

CITY OF ANGELS
CITY COUNCIL
MINUTES

Tuesday, January 19, 2010

Council Members Present: Jack Lynch (Mayor), Jack Boeding, (Vice Mayor), Elaine Morris, Craig Turco and Rick Downey

Staff Present: Richard Matranga, Gary Ghio, Dale Mendenhall, Melisa Ralston, David Hanham and Mary Kelly

5:15 P.M. CALL TO ORDER

CLOSED SESSION

PURSUANT TO CALIFORNIA CODE SECTION 54957: DISCUSSION REGARDING AGENDIZING A PERSONNEL MATTER TO CONSIDER PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE

6:00p.m. RECONVENE TO REGULAR MEETING

ACTION TAKEN IN CLOSED SESSION – December 15, 2009

CONFERENCE WITH LEGAL COUNSEL: Existing litigation – Jones vs. City of Angels, Case # CV35497
Council Action: Direction given to Counsel

ACTION TAKEN IN CLOSED SESSION – January 19, 2010

PURSUANT TO CALIFORNIA CODE SECTION 54957: DISCUSSION REGARDING AGENDIZING A PERSONNEL MATTER TO CONSIDER PUBLIC EMPLOYEE DISCIPLINE / DISMISSAL /RELEASE
Council Action: Letter to be sent to contractor

APPROVAL OF AGENDA

- Council Member Turco requested item #5 moved forward on the agenda to be discussed after item #1. This was agreed to by Council.
- Council Member Downey pulled item ‘b’ from the consent agenda for discussion.

STAFF UPDATES

Dave Hanham – Planning Director

- Interviewed 4 firms for the Angels Camp Master Trail plan project. Will be bringing a recommendation to the Council in February.
- Planning Commission recommendations for rezone will be coming to Council next month.
- Met with the County regarding the sphere of influence and will be working on a development agreement.

Dale Mendenhall – Police Chief

- Read his report included in the packet.

Melisa Ralston – Finance Officer

- Reported that she has provided a water statistics report in the packet.
Direction: Report to be included in agenda packet each month
Direction: Report to be discussed at Personnel/Finance meeting

Mary Kelly – Director of Administrative Services

- Reported on the resignation of the Building Official, Bruce Silva, effective February 1, 2010.

Gary Ghio – City Engineer

- City received the E-76 funding documentation for Stockton Road. Project should begin construction in the spring.

Direction: Water and Wastewater Master Plans to be agendized for February Facilities/Infrastructure meeting per Mayor Lunch

Direction: Sewer Rehabilitation project to be agendized for February Facilities/Infrastructure meeting per Mayor Lunch

COUNCIL UPDATES

Council Member Morris

- Attended LLD; LLD engineer will be assessing/auditing roads for 2010/2011 budget
- Attended interim workshop and Traffic Circulation where the legacy street map was reviewed.
- Will be attending the CCOG orientation on January 28th

Council Member Turco

- Attended Personnel/Finance and UPA. Discussion at UPA on how to fill an operator vacancy.
- Discussed at Personnel/Finance: directed staff to provide cost breakdown of 1 gallon of water; discussed possible combination of jobs within the City; received a first draft from Melisa of a City financial timeline

Council Member Boeding

- Attended Sphere of Influence meeting with Mayor. All parties were cooperative.

Council Member Downey

- Attended interim workshop where good input was received.
- Attended Facilities/Infrastructure – discussed tv'ing sewer lines. Resident Firman Brown spoke on trying to get Ag water on Whittle Lane
- Will be attending CPPA on 1/27 and the CCOG orientation on 1/28

Mayor Lynch

- Stated that advertising for the Planning Commission vacancy has been extended to January 26th. Interview and selection will take place the first meeting in February
- Signed the relinquishment agreement with Caltrans

PUBLIC COMMENT

Melanie Lewis – Glory Hole Sports

Reported on tournament fishing at New Melones. Asked of the possibility of funding a scheduled tournament in October in the 2010-2011 budget.

Direction: Item to be agendized for the February Personnel/Finance meeting

CONSENT AGENDA

MOTION by Council Member Turco, seconded by Council Member Morris and carried 5-0 ADOPTING THE CONSENT AGENDA:

- a. Minutes of Regular meeting – January 5, 2010

Consent Agenda, item 'b': Motion to pay bills. Council Member Downey said it was discussed at the last Council meeting that bills would not be paid until the Council had reviewed the Cash disbursement report. Melisa explained that this will not take effect until the 1st meeting in February.

MOTION by Council Member Turco, seconded by Council Member Downey and carried 5-0 APPROVING THE CASH DISBURSEMENT REPORT

REGULAR AGENDA

1. PUBLIC EMPLOYEE DISCIPLINE – PURSUANT TO CALIFORNIA GOVERNMENT CODE 54957 – City Council/Richard Matranga, City Attorney/Carol Woolf, Plant Operator

Mayor Lynch read the following into the record: *“The next item on the agenda is a personnel matter. Under consideration are actions which were taken by Ms. Carol Woolf on December 15, 2009. Ms. Woolf is employed by the City as the water and wastewater plant operator. The Council will hear concerns from two of its members regarding certain actions taken by Ms. Woolf in connection with a meeting held in Stockton with Mr. Joe Spano from the Stockton office of the State Department of Health. The City Council, at a public meeting, took unanimous action to authorize two council members to meet with Mr. Spano to discuss and make a presentation regarding recent compliance issues raised by the Department of Health in the form of a notice of violation. Ms. Woolf has been given the opportunity to be present and respond to the complaints before the Council considers any disciplinary action.*

We will hear first from Council Member Downey and myself. Then we will ask Ms. Woolf to respond. The matter will then be taken under submission by the Council and, after deliberating in closed session immediately following the remaining items on the agenda, we will issue a decision.”

Council Member Downey stated that he and Mayor Lynch attended a meeting with Joe Spano from the Department of Public Health regarding the citation issued to the City regarding the 4th filter. It was their understanding that the meeting would include only the Mayor and himself and representatives from Spano’s office. However, when they arrived at the meeting, Carol Woolf and Garrett Walker from the City’s water/wastewater department were present. He understood Carol was not given permission to attend the meeting and felt that her and Garrett’s presence was unnecessary.

Mayor Lynch explained that arrangements were made in advance for the Council Members to meet with Mr. Spano. The City Engineer was asked not to attend. Mayor Lynch stated that he was shocked when he arrived at the meeting and discovered Carol and Garrett present and already seated for the meeting. Carol had not informed any Council Member that she would be attending and he challenged why she was there. He said that Carol explained she was at the meeting as the licensed operator of the City. The Mayor told Carol that he would be making a presentation on behalf of the City of Angels and asked that there be no interference from Carol or Garrett. He further stated that the presence of Carol was a distraction at the meeting.

Carol provided a handout to the Council (attached) and read a response to the Council’s allegations into the record.

Council Member Turco stated that Carol was disrespectful to the Council Members by not informing them of her intention of attending the meeting. He further stated that this discussion was not a question of her technical ability. He asked why she did not inform anyone that she was attending the meeting. Carol stated that she did not feel she was being disrespectful. She reported she did inform Mary Kelly, Director of Administrative Services that she would be attending the meeting. Carol said she followed the chain of command and her understanding since the departure of the City Administrator was that she inform the Director of Administrative Services of any absences, issues, etc.

Council Member Downey stated that he felt because Carol did not agree with the argument the Mayor was presenting regarding the need (or not) of a 4th filter her presence at the meeting undermined what he and the Mayor were presenting to Mr. Spano.

Mayor Lynch stated that at no time was Carol invited by Council to this meeting. Carol stated that she was contacted by Public Health about the meeting and followed standard operating procedure in attending the meeting. She asked who she should report to in the absence of an administrator.

When asked if there was anyone in the audience who she wanted to speak for her on this subject. Carol replied there was no one. She said she had spoken for herself, after conferring with a Human Resource specialist.

The City Attorney advised that the Council will take this matter under submission in a closed session following the regular meeting and would report any action following the closed session.

Agenda Item # 5 was discussed at this time

5. **PROPOSED FEBRUARY WATER & WASTEWATER RATE INCREASE** – Mayor Lynch
Mayor Lynch detailed the amounts currently built up in the water/wastewater reserves and asked Council to suspend the scheduled February water/wastewater rate increases. Council Member Morris suggested that before approving such a suspension, a rate study or water/wastewater master plan is prepared to make sure there are enough funds to run the plant. Council Member Turco asked how a rate can be set when there are so many flawed numbers or outdated calculations. He suggested not rushing into a rate increase – agreed with a postponement or suspension. It was asked if a Prop. 218 hearing would be required if the rates were suspended. The City Attorney said this would not be a factor.

Debbie Ponte – Former Mayor and Angels Camp property owner

Ms. Ponte stated she was not in favor of postponing the rate increases. She said resolutions were adopted rate increases to receive loans and grants and postponing or suspending the rate increases jeopardizes what the City has built around these resolutions. She asked the Council to be cautious and to look at all the angles before making a decision.

MOTION by Mayor Lynch seconded by Council Member Turco and carried 5-0 DIRECTING STAFF TO PREPARE A RESOLUTION TO SUSPEND THE WATER RATE INCREASES EFFECTIVE FEBRUARY 2010.

Roll Call: Morris {Yes}, Boeding {Yes}, Turco {Yes}, Downey {Yes} and Lynch {Yes}

MOTION by Mayor Lynch seconded by Council Member Turco and carried 3-2 with Council Members Morris and Boeding voting ‘NO’ DIRECTING STAFF TO PREPARE A RESOLUTION TO SUSPEND THE WASTEWATER RATE INCREASES EFFECTIVE FEBRUARY 2010.

Roll Call: Morris {No}, Boeding {No}, Turco {Yes}, Downey {Yes} and Lynch {Yes}

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2. **INTERIM CITY ADMINISTRATOR – JOB DESCRIPTION** – City Council/Richard Matranga, City Attorney

MOTION by Council Member Turco, seconded by Council Member Boeding and carried 5-0 AMENDING ORDINANCE 2.08 “CITY ADMINISTRATOR” AS REVISED BY COUNCIL AND SUBJECT TO LEGAL REVIEW

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3. **REINSTATEMENT OF CITY EMPLOYEE (recommendation from Personnel/Finance Committee)** – Dave Hanham, Planning Director

MOTION by Council Member Boeding, seconded by Council Member Downey and carried 5-0 REINSTATING FORMER EMPLOYEE TO POSITION AS COMMUNITY DEVELOPMENT CLERK

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4. **AMENDMENT TO UNIFORM CODES – BUILDING PERMIT ORDINANCE** – Steve Flaigg, Building Inspector

MOTION by Council Member Morris, seconded by Council Member Lynch and carried 5-0 AMENDING ORDINANCE 15.04 “UNIFORM CODES-BUILDING PERMITS”, SECTION 15.04.020E ‘ADOPTION’ OF THE MUNICIPAL CODE: WAIVE HEARING AND SET PUBLIC HEARING FOR FEBRUARY 16, 2010

6. **ADDITION OF CITY COUNCIL MEMBER(S) TO MUSEUM** – Mayor Lynch
Mayor Lynch suggested a representative from Council on the Museum Commission. All Other City commissions and committees have a Council Member. The Council agreed with Council Member Downey volunteering.

Direction: Item to be discussed at February Museum Commission meeting.

7. **REVIEW & DISCUSSION OF EX PARTE COMMUNICATIONS AS PART OF THE BROWN ACT** – Richard Matranga, City Attorney
The City Attorney reviewed the course of conduct and due process issues with the Council as pertains to the Brown Act. He stated that Council can avoid potential conflicts by being transparent and disclosing questionable information received outside of a city council meeting.

ADJOURN TO CLOSED SESSION

CLOSED SESSION: PUBLIC EMPLOYEE DISCIPLINE – PURSUANT TO CALIFORNIA GOVERNMENT CODE 54957

RECONVENE TO REGULAR MEETING

ACTION TAKEN IN CLOSED SESSION

PUBLIC EMPLOYEE DISCIPLINE – PURSUANT TO CALIFORNIA GOVERNMENT CODE 54957

Council Action: Letter to be sent to employee

NOTE: Report of action taken in closed session to be repeated at beginning of February 2, 2010 Council meeting.

MEETING ADJOURNED AT 9:30 P.M.

ATTEST:

Jack Lynch
Mayor

Mary Kelly
City Clerk